REMARKS

The Office Action dated January 14, 2008, has been received and carefully considered. In this response, claims 21 and 36 have been amended; claims 25, 26, 35, 40, 41 and 50 have been canceled. No new matter has been added. Entry of the amendments to claims is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

Despite the Applicants disagreeing with the Examiner's rejections of claims in the present Office Action, Applicants have amended claims as indicated above to better clarify the the claimed systems and methods and to further distinguish the cited references.

I. Rejections Under 35 U.S.C. § 103.

Claims 21-23, 25-27, 30-38, 40-42 and 45-50 were rejected as being allegedly unpatentable under 35 U.S.C. § 103 over U.S. Patent No. 5,349,170 to Kern ("Kern") in view of U.S. Patent No. 5,784,610 to Copeland et al. ("Copeland"), U.S. Patent No. 5,424,938 to Wagner et al. ("Wagner") and U.S. Patent Application Publication No. 2004/0201735 to Baron ("Baron") and the Admitted Prior Art ("APA") in the background section of the Application. Applicants respectfully traverse these rejections.

A. Response to Rejection of Independent Claims 21 and 36

On page 2 of the Office Action, independent claims 21 and 36 are rejected under § 103(a) as being obvious over Kern, in view of Copeland, Wagner, Baron, and the APA. Applicants respectfully traverse this rejection.

First, in listing the claim elements and citing disclosure in Kern, the Office Action has failed to consider fully the amendments made by the Applicants in the response filed on October 30, 2007. The claim element recited by claim 21 of "scanning the collection item to create an

image of the collection item" was amended as follows "wherein a user of the system determines the method to scan the collection item and the user initiates the scanning method, wherein scanning comprises scanning with a check scanner if the incoming collection item is a check and scanning comprises scanning with a flatbed scanner if the incoming collection item is not a check" in the October 30, 2007 response. The Office Action does not address this present element of claim 21 in the rejection. Applicants assert that Kern fails to disclose this element, as do the secondary references. Kern teaches the use of a "high speed document processor which includes scanning capability." Col. 5, lines 26-28. Kern further teaches that the documents are fed into the processor by "an automatic document feeder." Col. 5, lines 31-32. No user determination of "the method to scan the collection item" is taught by Kern as recited in claim 21 of the claimed invention.

The Office Action on page 3 asserts that Kern recites the element of "determining if the collection item needs to be endorsed, endorsing the collection item, if necessary and scanning the endorsed collection item to create an image of the endorsed collection item." However, an amended element of claim 21 was omitted in this recitation. Claim 21, as currently presented, recites the element of "determining ***by the user*** of the system if the collection item needs to be endorsed, endorsing the collection item, if necessary and scanning the endorsed collection item to create an image of the endorsed collection item" (emphasis added). Kern teaches the "document processor then reads the MICR code on each document as the document flows through the unit, endorses audit trail information (including assigning a sequence number) on the document." Col. 5, lines 33-36. The endorsement taught by Kern involves endorsing an *audit trail* for the document, in other words writing the audit trail information onto the document. The endorsement recited by the claimed invention deals with endorsing a collection item, such as a

check, as in designating oneself as the payee or designating the respective institution as the payee or acknowledging the document through a signature. These are two very different meanings of endorsement. Indeed, the specification of the present application provides support for the Applicants assertion; ¶ 0132 discloses endorsement of checks "by placing the prior endorsement guarantee (PEG) on the back of the check." Further, Kern's disclosure does not teach any interaction by the *user* in the endorsement process, as recited by the claimed invention.

Further, the Office Action on page 3 asserts that Kern discloses the element of "saving by the user the scanned collection item, the scanned endorsed collection item, if any, the code readout, if any, and each scanned accompanying document as a unit of work in a database and designating each unit of work a searchable unique database index key." Kern teaches an automated method of saving scanned items; indeed , Kern discloses "[i]mages captured by the document processor are processed, compressed, and formed into image packets. . . . These image packets are then sent . . . for storage on a high capacity disk." Col. 6, lines 1-9. No mention is made in Kern of the *user* saving the scanned item; Kern's process is automated for image processing and saving.

On page 5, the Office Action states that Kern does not explicitly disclose that the document processor includes a check scanner. The Office Action then asserts that Copeland further discloses the use of "a check scanner operable to read MICR information for scanning checks." Applicants submit that this assertion introduces a limitation not presented in independent claim 21 or 36, namely the reading of MICR information as a requirement for the check scanner. MICR is not mentioned in either independent claim as a requirement, only "machine readable code" is recited; MICR is a subset of this type of code. Further, the Office Action references item 37 in Figure 2B in support of the aforementioned assertion. Item 37 in

Figure 2B is labeled as a IBM 3890 with image scanning feature. This label does not support the assertion that this is a check scanner. Indeed, Copeland's specification does not explicitly define item 37 nor its characteristics. Even without further definition, the specific piece of equipment taught by Copeland in item 37 of Figure 2B introduces a limitation not present in the claimed invention.

On page 6, the Office Action further asserts Baron teaches elements of claim 21, namely "create queues for storing data to be used during processing of the collection items" and "dynamically track and update the status of the queues." Baron discloses a first in, last out type of queue. ("newer image data elements are located closer to the top of the queue and older data image elements are located closer to the bottom of the image storage queue." ¶ 0018). Claim 21 recites the element of "dynamically track and update the status of the queues." Baron's teaching involves a dynamic shifting of *data* in the queue, not the *status* of the queue as recited by the claimed invention. Further, conceptually, a financial system would use a first in, first out type of queue arrangement to ensure items are acted upon in the order they are scanned; a first in, last out type of queue as taught by Baron would not make sense in a financial system as the first documents placed in the collection might never be acted upon if action is required since they will continually be pushed to the bottom of the queue as new documents are added to the collection. Indeed, the specification of the present application provides support for this assertion in ¶ 0086, for example, where a status queue for foreign currency transaction is disclosed. Such transactions would require action in the order they are received, not by newest document order.

Additionally, Baron teaches away from the claimed invention and as a result there is neither motivation nor suggestion to combine Baron with Kern to produce the result the Examiner asserts is obvious. Baron discloses the following in ¶ 0032:

> While the preferred embodiment has been described in terms of storage of image data in a digital camera, the storage queue management method described above is also applicable to the storage of data in other devices, such as the storage of audio data in a portable audio recorder or a fixed information handling system, or the storage of digital video data in a video camera or fixed information handling system.

Based upon the above disclosure in Baron, it can be seen that the queue management described is contemplated for application in other fields, specifically digital cameras, digital audio, and digital video, and is not directed towards the storage of image data relating to the management of collections data. Indeed, the basic embodiment of Baron recited in the its specification is directed towards image storage in a digital camera; further, independent claim 1 of Baron specifically recites "a digital camera" as an element, as do independent claims 16 and 18 of Baron). Therefore there is no motivation nor suggestion to combine Baron with Kern to render the claimed invention obvious, and an Baron would have to be simultaneously modified for application in a different field to be combined with Kern to produce the result recited in the Office Action; this modification to Baron would render it unsatisfactory for its intended purpose since Baron is directed at solving an entirely different problem (i.e. image queue management in a digital camera, see because a digital camera system that saves the oldest pictures first goes against the intent of Baron. See MPEP § 2143.01(V).

The Office Action on pages 7-8 further asserts the queues are for the purpose of efficiently managing storage space available in the memory storage unit. Once again, the Office Action has asserted a limitation not found in either of the two independent claims, 21 and 36.

Therefore, Applicants respectfully submit that Kern fails to disclose the elements of independent claim 21, and by extension, independent claim 36, which is a system claim based upon the method of claim 21. Further, the secondary references fail to overcome the deficiencies of the primary reference to render the claimed invention obvious.

In order to further distinguish and clarify the claimed invention, applicants have amended claims 21 and 36 to recite the element of "archiving units of work to an archive system and deleting the archived units of work from the database." The Office Action asserts on page 9 that Baron discloses this element. However, Applicants respectfully assert that Baron fails to disclose this element. Baron teaches "[t]o archive one or more image data elements, one or more image data elements are selected by the user for archiving." ¶ 0028. This teaching implies the limitation that archiving is a user initiated action. Claim 21 and 36 have no such limitation. Further, Baron teaches "the archived image data elements remain in the memory storage unit after being copied." ¶ 0028. The claimed invention recites that the unit of work is deleted from the database following the archiving process; no user action is required to delete. Therefore, Baron fails to teach or suggest this element of the claimed invention and the combination thereof with Kern fails to remedy this deficiency.

Applicants have further amended claims 21 and 36 to recite the elements of what comprises international and domestic collection items. While the APA does teach sorting items according to various known types and one skilled in the art could modify Kern to sort in this manner, the specific types of collection items recited by the claimed invention in amended claims 21 and 36 are not taught by the APA, nor Kern. Therefore there is no suggestion or motivation to modify Kern to include the specific types of international and domestic collection item types recited in the claimed invention.

Applicants respectfully submit that claims 21 and 36 as amended are in allowable form.

B. Response to the Rejection of Claims 22, 23, 25-27, 30-35, 37, 38, 40-42, and 45-50

It is respectfully submitted that the aforementioned obviousness rejection of claims 22, 23, 25-27, 30-35, 37, 38, 40-42, and 45-50 has become moot in view of the deficiencies of the

primary reference (i.e., Kern) as discussed above with respect to independent claims 21 and 36 That is, claims 22, 23, 25-27, 30-35, 37, 38, 40-42, and 45-50 are dependent upon independent claims 21 and 36, respectively, and thus inherently incorporate all of the limitations of independent claim. Also, the secondary references (i.e., Copeland, Wagner, and Baron) fail to disclose, or even suggest, the deficiencies of the primary reference as discussed above with respect to independent claims 21 and 36. Indeed, the Examiner does not even assert such. Thus, the combination of the secondary references with the primary reference also fail to disclose, or even suggest, the deficiencies of the primary reference as discussed above with respect to independent claims 21 and 36. Accordingly, claims 22, 23, 25-27, 30-35, 37, 38, 40-42, and 45-50 should be allowable over the combination of the secondary references with the primary reference at least by virtue of their dependency on independent claims 21 and 36. Additionally, Applicants have cancelled claims 25, 26, 35, 40, 41 and 50.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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Dated: 4/7/08

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